

Glenda Nogami Streufert
Chair

Donna Apisa
Vice Chair

Members:
Melvin Chiba
Helen Cox
Francis DeGracia
Roy Ho
Lori Otsuka

RECEIVED

COUNTY OF KAUAI PLANNING COMMISSION
NOTICE OF TELECONFERENCE AGENDA

Tuesday, October 13, 2020

9:00 a.m. or shortly thereafter

20 OCT -5 P4:01

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Microsoft Teams Audio: +1 469-848-0234, Conference ID: 236 981 075#

The meeting will be held via Microsoft Teams conferencing only. Members of the public are invited to join this meeting by calling the number above with the conference ID information. You may testify during the video conference or submit written testimony in advance of the meeting via e-mail or mail. To avoid excessive noise/feedback, please mute your microphone except to testify.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted in writing to planningdepartment@kauai.gov or mailed to the County of Kauai Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawaii 96766. Written testimony received by the Planning Department before 9:00 a.m. on Monday, October 12, 2020, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, October 12, 2020, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

1. Continued Agency Hearing

- a. Special Management Area Use Permit SMA(U)-2020-7, Class IV Zoning Permit Z-IV-2020-16, and Use Permit U-2020-13 to allow construction of a new craft brewery building and associated site improvements including on-site parking, driveway, pedestrian bridge, private wastewater system, and operation of food trucks, AND Amendments to Special Management Area Use Permit SMA(U)-88-4, Use Permit U-88-25, Variance Permit V-88-6, Class IV Zoning Permit Z-IV-88-30, as amended, and SMA(U)-2006-1, Project Development Use Permit PDU-2006-1, and Class IV Zoning Permit Z-IV-2006-1 to accommodate parking for the proposed development, allow increased land coverage, and reduction in the number of permitted Employee Housing within the eastern portion of Lot 17, involving parcels situated on the mauka side of Kuhio Highway in Hanalei Town, approx. 550 ft. east of the Kuhio Highway/Aku Road intersection, immediately adjacent to property identified as 5-5091 Kuhio Highway, Tax Map Keys: (4) 5-5-009:008 & 009, and containing a total area of

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

1. Continued Agency Hearing (Cont'd)

- a. Special Management Area Use Permit SMA(U)-2020-7, Class IV Zoning Permit Z-IV-2020-16, and Use Permit U-2020-13 AND SMA(U)-88-4, Use Permit U-88-25, Variance Permit V-88-6, Class IV Zoning Permit Z-IV-88-30, as amended, and SMA(U)-2006-1, Project Development Use Permit PDU-2006-1, and Class IV Zoning Permit Z-IV-2006-1 = *Hanalei Commercial Company, Inc./Na Pali Brewing Company, LLC. (Cont'd)*

4.165 acres = *Hanalei Commercial Company, Inc./Na Pali Brewing Company, LLC.* [Director's Report, S1DR and attachments to S2DR received by Commission Clerk 7/28/20; Addition to Agenda received and hearing deferred 8/11/20; S3DR and S4DR received by Commission Clerk 8/18/20; Second & Third Addition to Agenda received and hearing continued 9/8/20.]

1. Supplement 5 to Director's Report pertaining to this matter.
2. Supplement 6 to Director's Report pertaining to this matter.

2. New Agency Hearing

- a. Special Management Area Use Permit SMA(U)-2021-1, Class IV Zoning Permit Z-IV-2021-3, and Use Permit U-2021-2 to allow operation of a retail facility, conduct agriculture tours & host community events, and associated site improvements that include an unimproved parking area on parcels situated on the mauka side of Kuhio Highway in Hanalei Town, approx. 900 ft. east of the Kuhio Highway/Aku Road intersection, further identified as 5-5067 Kuhio Highway, Tax Map Keys: (4) 5-5-009:013 & 5-4-003:001 (Por.), and affecting a total area of 13.54 acres = *Laird Superfood, Inc.* [Director's Report received by Commission Clerk 9/22/20.]

1. Director's Report pertaining to this matter.
2. Letter (10/1/20) from Ian K. Jung, Esq., requesting agency hearing on October 13, 2020 be deferred to the November 10, 2020 Planning Commission Meeting.

- b. Special Management Area Use Permit SMA(U)-2021-2, Class IV Zoning Permit Z-IV-2021-4, and Use Permit U-2021-3 to allow installation of a statue of King Kaumuali'i within the Russian Fort Elizabeth State Historic Park in Waimea, along the makai side of Kaumuali'i Highway, approx. 800 ft. east of Waimea Town, further identified as Tax Map Key: (4)-1-7-005:003, and containing a total area of 17.26 acres = *Friends of King Kaumuali'i.* [Director's Report received by Commission Clerk 9/22/20.]

1. Director's Report pertaining to this matter.

3. Continued Public Hearing

4. New Public Hearing

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports

2. Director's Report for Project Scheduled for Agency Hearing

H. EXECUTIVE SESSION

I. GENERAL BUSINESS MATTERS

1. 2020 Annual Status Report for Special Management Area Use Permit SM(U)-2005-08, Project Development Use Permit P.D. U-2005-26, Use Permit U-2005-25, Class IV Zoning Permit Z-IV-2005-30, Tax Map Keys: (4) 3-5-001:027 (Por.), 168, 169, 171 (Por.), 172 (Por.), 175, and 176 = ***Kauai Lagoons LLC & MORI Golf (Kauai) LLC***.
 - a. Director's Report pertaining to this matter.
2. 2020 Annual Status and Progress Report for Special Management Area Use Permit SMA(U)-2007-13, Class IV Zoning Permit Z-IV-2007-29, Project Development Use Permit P.D.U-2007-25, Tax Map Keys: (4) 2-8-015:043, 044, & 082; 2-8-016:003, 004, Poipu, Kauai = ***Kauai Blue, Inc. (formerly SVO Pacific, Inc. & VSE Pacific, Inc.)***.
 - a. Director's Report pertaining to this matter.
3. Hearing Officer's Report and Recommendation regarding Contested Case CC-2017-4, Contested Case re Petition to Appeal Decision of the Planning Director's Decision Related to the Notice of Violation and Order to Pay Fines for the Operation of an Illegal Transient Accommodation Use for Property Situated in Haena, Kauai, Hawaii, identified by Kauai Tax Map Key (4) 58005005 containing 26,092 sq. ft. = ***Patricia D. McConnell, Petitioner***. [Deferred 5/12/20, Oral Arguments date set for 10/13/20 on 8/11/20.]
 - a. Petitioner's Exceptions to Hearing Officer's Report and Recommendation of Contested Case; Request for Oral Argument; Certificate of Service for Case No. CC-2017-4, TMK (4) 5-8-005:005 = ***Patricia D. McConnell, Petitioner***. [Deferred 5/12/20, Oral Arguments date set for 10/13/20.]
4. Request to Amend Special Management Area Use Permit SMA(U)-2005-04, Project Development Use Permit P.D. U-2005-7, and Class IV Zoning Permit Z-IV-2005-7, Tax Map Key: (4) 2-1-010-062, CPRs 0001-0075, Port Allen, Kauai = ***Ahe Group***.
 - a. Director's Report pertaining to this matter.

J. COMMUNICATION (For Action)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached)

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter on November 10, 2020. The Planning Commission anticipates meeting via teleconference, but will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

October 13, 2020

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2021-12	Lorraine D. Newman	(4) 4-5-001:018	Kapa'a	Conversion of workshop/ storage to dwelling
SSD-2021-13	Hale King, LLC	(4) 5-8-008:046 0001	Wainiha	Interior repair and bathroom renovation
SSD-2021-14	Kaua'i Marriott Ownership	(4) 3-5-002:002	Līhu'e	Interior renovations (365 units) and corridors.
SSD-2021-15	County of Kaua'i, Department of Public Works, Wastewater Management Division	(4) 5-5-002:003	Hanalei	Rehabilitation, demolition, and modification to Sewage Pump No. 1